



West Virginia Senate

Committee on the Judiciary

Minutes for FEBRUARY 23, 2021, 3:00 PM

Pursuant to the call of the Chair, the Senate Committee on the Judiciary met on February 23, 2021, 3:00 PM in Room 208-W.

Members present: Senators Trump, Weld, Azinger, Grady, Karnes, Maynard, Phillips, Rucker, Smith, Stover, Takubo, Woodrum, Beach, Caputo, Lindsay, Romano, Woelfel

Members absent: None

A silent roll call being taken, the presence of a quorum was established.

On motion of Senator Weld, the minutes of the previous meeting were approved.

S. B. 160 - Alcohol Beverage Control Commission rule relating to private club licensing.

Debra Graham, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

With leave of the committee, Steve Stockton, Legal Division, West Virginia State Tax Department, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Dwayne O'Dell, Director of Government Affairs, West Virginia Farm Bureau, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

On motion of Senator Weld, the committee agreed to the committee substitute.

On motion of Senator Weld, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

S. B. 309 - Creating felony offense of aggravated cruelty to animals.

Debra Graham, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

Senator Beach raised a point of order that the remarks of Senator Karnes were not germane. Chairman Trump ruled the point of order well taken.

With leave of the committee, Melinda McDerment, President, West Virginia Gamebreeders Association, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

On motion of Senator Romano, the committee amended the committee substitute on page 1, line 6, by striking subparagraph (iii) in its entirety.

Senator Romano moved to amend the committee substitute on page 1, line 8, by striking paragraph (D) in its entirety.

The Chair being in doubt, a division of the body was demanded by Chairman Trump.

The vote being 12 in favor and 4 opposed, the amendment was adopted.

Senator Karnes moved amend the committee substitute by restoring line 1 to existing code to read "It is unlawful for any person to intentionally, knowingly or recklessly," and striking everything from page 1, line 2, to and including page 2, line 21.

The Chair being in doubt, a division of the body was demanded by Chairman Trump.

The vote being 8 in favor and 8 opposed, the amendment was rejected.

Senator Phillips moved to amend the committee substitute on page 3, line 60, subsection (g), by striking the word "lawful". The same was put and the motion was rejected.

On motion of Senator Weld, the committee agreed to the committee substitute, as amended.

Senator Weld moved to report the committee substitute to the full Senate with the recommendation that it do pass.

The Chair being in doubt, a division of the body was demanded by Chairman Trump.

The vote being 7 in favor and 9 opposed, the motion was rejected.

On Motion of Senator Weld the committee adjourned.



Charles S. Trump IV

Chair



Beverly Douglas

Clerk/Analyst

The Senate of West Virginia



Testimony taken this 23rd day of February, 2021, in
the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Stephen Stockton

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

[Signature]

Sign Member Name



The Senate of West Virginia

Testimony taken this 23rd day of February, 2021, in
the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

DWAYNE O'DELL

Print Witness Name

Dwayne O'Dell

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name



The Senate of West Virginia

Remote/Virtual Testimony

Testimony taken this 23rd day of February, 2021, in
the Senate Committee on The Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Melinda McDerment

Print Witness Name

Beverly Douglas

Testimony Attested to by Committee
Clerk

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name